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PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2837**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Daniel J. KESSLER

Group Art Unit: 2837

Application No.: 10/626,563

Examiner: S. HSIEH

Filed: July 25, 2003

Docket No.: 109889

For: MUSIC INSTRUMENT COVER

REQUEST FOR RECONSIDERATION AFTER ADVISORY ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action mailed June 21, 2005 reconsideration in view of the following remarks is respectfully requested.

The Advisory Action indicates that the amendments filed on June 10 will be entered, and gives an explanation of how the amended claims would be rejected. Claims 1-5, 7 and 8 are allowed, claims 10-13, 15, 16, 18 and 19 are rejected.

However, the Advisory Action fails to address all of the points raised in Applicant's June 10 response.

A. Regarding claim 10, which includes the former claim 19 features, Applicant gave four reasons as to why the rejection is improper. The Advisory Action does not address or reply to those reasons, but simply asserts that "using different material ..." only involves

routine skill in the art. For the convenience of the Examiner, the four reasons are repeated below.

First, Hearfield specifically touts leather as the "ideal material" for its disclosed guitar cover, distinguishing it as providing better protection than "thin plastics, cotton or other textile materials" (see col. 3, lines 28-55). (See also col. 3, lines 60-62, which state, "all the embodiments have the following characteristics in common: the covers are of leather.")

Therefore, Hearfield teaches away from materials that are not leather.

Second, Hearfield's device already accomplishes the purpose of "tightly covering a musical instrument." Therefore, the alleged motivation for the combination is without merit.

Third, Britto is not analogous to Hearfield. Britto discloses a box, which may be a music box, but those skilled in the art of guitar covers would not have found it obvious to employ teachings related to a music box to a guitar cover.

Fourth, Britto's cover would not work with a guitar, for the following reasons. As discussed at column 4, lines 18-26, with reference to Fig. 6, Britto describes that the cover is stretched tight across the face of a base 12 by a tie 74. As explained in column 4, line 26, the tie 74 is made snug about the base of a tube portion that extends within the base 12. This mechanism of making the cover tight may work with a box, as in Britto, because there are no concave portions on the surface that is being covered. In contrast, with a guitar, as in Hearfield, the surface to be covered has concave portions. The cover of Britto would not be tight against the concave portions of the guitar body when made snug according to the teachings of Britto. For this and other reasons, those skilled in the art would not have found it obvious to employ the teachings of Britto in the Hearfield device.

Applicant maintains that claim 10 is allowable at least for these four reasons. The Examiner is requested (and required) to respond to all of these points.

B. Regarding claim 18, Applicant again made four separate arguments. The Advisory Action does not address all of these points, and states merely that Britto's teaching of stretchable material "is in the musical instrument art," and that "using different material for the instrument cover only involves routine skill in the art." This statement clearly does not address all of the points raised by Applicant. Those points are reproduced below for the convenience of the Examiner.

Messina discloses a guitar cover, while Britto discloses a box cover. First, as with the proposed Hearfield/Britto combination, those skilled in the art would not have been motivated to use the music box-related teachings of Britto with a guitar cover.

Second, Britto's cover would not work with a guitar, as explained in connection with claim 12 and the Hearfield reference.

Third, as with Hearfield, Britto is not analogous to Messina.

Fourth, there is no evidence that the Messina device does not already "tightly cover" the guitar body. Therefore, the alleged motivation for the combination is without merit.

The Examiner is requested (and required) to fully respond to each of these points.

In view of the foregoing, Applicant maintains that all of the pending claims are patentable over the applied prior art, and requests withdrawal of the rejections and allowance of the application.

Should the Examiner believe that anything further is desirable to place the application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

J. Adam Neff
Registration No. 41,218

JAO:JAN/scg

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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